

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i>,</p> <p>Debtors.<sup>1</sup></p>	<p>PROMESA Title III</p> <p>No. 17 BK 3283-LTS</p> <p><b>Re: ECF Nos. 3735, 3736, 3755</b></p> <p>(Jointly Administered)</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO,</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>No. 17 BK 3283-LTS</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY (“HTA”),</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>No. 17 BK 3567-LTS</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>PUERTO RICO ELECTRIC POWER AUTHORITY,</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>No. 17 BK 4780-LTS</p>

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**SWORN STATEMENT**

I, Mabel C. Rivera Sanabria, of legal age, married, Real Estate Administrator of the Puerto Rico Department of Natural and Environmental Resources (the “DNER”) and resident of Bayamón, Puerto Rico, declare the following under oath:

1. My personal circumstances are as above stated.
2. I am an employee of the DNER since September 1992 and have been the DNER’s Real Estate Administrator since 2008.
3. As part of my responsibilities, I am the DNER’S representative in the case captioned *Municipio de Ponce v. ACT, et al*, Case No. JAC1993-0485 (the “Prepetition Action”), before the Puerto Rico Court of First Instance, as a “Technical Component” for all meetings.
4. With respect to the Statement made by Justo Varela Dieppa, dated August 1, 2018, attached to the Municipality of Ponce’s (the “Movant”) *Omnibus Reply to Opposition to Motion Requesting Lifting of the Stay* [ECF No. 3735-1], regarding the Prepetition Action, I can declare that according my best knowledge and the official information under the control of the DNER:
  - a. The Commonwealth and the Movant executed an *Agreement for the Development of Programmed Projects*, dated October 28, 1992 (the “Prepetition Agreement”). Pursuant to the Prepetition Agreement and the judgment of the Puerto Rico Supreme Court in the Prepetition Action (the “Prepetition Judgment”), the DNER, an agency of the Commonwealth, finances certain projects incorporated in the Prepetition Agreement, including: the canalization or channeling of Río Matilde in Ponce (the “Río Matilde Project”) and the rehabilitation of the lighthouse on the island of Caja de Muertos (the “Lighthouse Project”).
  - b. Río Matilde Project. On September 28, 1994, the Committee on Public Works and Transportation of the United States House of Representatives adopted a resolution authorizing a reconnaissance and feasibility study for Río Matilde Project. This allowed the U.S. Army Corps of Engineers (“USACE”) to request funding for a reconnaissance study for the Río Matilde Project. This was the first step to determine if there was federal interest in the Río Matilde Project. The USACE has



been requesting funding since 2008 for such a study. No federal funds have been appropriated yet by Congress for this study.

- c. Over ten (10) years ago, DNER initiated Congressional action seeking a recognition process for the channeling of Río Matilde Project, without success.
- d. Lighthouse Project. The Isla Caja de Muertos' Lighthouse (the "Lighthouse") is a property of the US Coast Guard. The DNER and the United States of America entered into a *Revocable License for Non-Federal Use of Real Property*, dated March 1, 2015 (the "License"), for the purpose of "restoring, maintaining, preserving and protecting the lighthouse and adjacent buildings to maintain the grounds in a neat and presentable manner." License § 5 (attached hereto as Exhibit 1). The Lighthouse Project under the License is for the rehabilitation of the lighthouse and the same does not impact the safety of navigable waters. The DNER does not administer or operate the Lighthouse pursuant to the License, nor does the DNER have access to the interior of the Lighthouse.
- e. The DNER does not have federal funds assigned to begin or complete the Río Matilde Project or the Lighthouse Project.

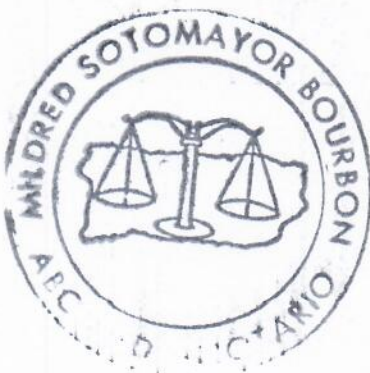
IN WITNESS THEREOF, I sign this statement under oath, this 10<sup>th</sup> day of September, 2018, in San Juan, Puerto Rico.

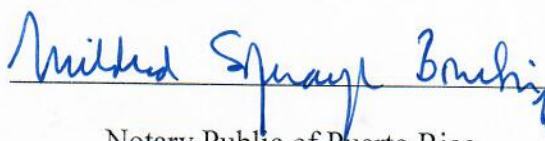
  
Mabel C. Rivera Sanabria

Affidavit No. 1875

On 10th day of September, 2018, before me, Mildred Sotomayor Bourbón, a notary public in and for said state, personally appeared Mabel C. Rivera Sanabria, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same in his or her authorized capacity and that by his or her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



  
Notary Public of Puerto Rico

EXENTO  
LEY Núm. 47  
De 4 de junio de 1982